

HALL COUNTY BOARD OF SUPERVISORS MEETING DECEMBER 17, 2002

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Ensign Siemert with the Salvation Army.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster, and Lonnie Logan. Also present were County Attorney Jerry Janulewicz and representatives from the *Grand Island Independent* and KRGJ.

CONSENT AGENDA – Arnold made a motion and Jeffries seconded to approve the following by consent agenda

1. Accept and place on file the minutes of the November 19, 2002 meeting
2. 5 Approve Resolution #02-0068 for the Stop sign for Schaupsville road and Capital Avenue
3. 6 Place on file the amended tort claim for Oscar Gonzales Faguago
4. 8 Approve re-appointing Jolene Harvey and Roger Steele to the Hall County Extension Board
5. 9 Place on file the special keno audit
6. 15 Approved the final plat for Proverty Ridge Subdivision and Lowry Second Subdivision
7. 23 Accepted and placed on file the office reports for Clerk of the District Court, County Clerk, Register of Deeds, Hall County Sheriff, County Court, Hall and Howard County Juvenile Services
8. 24 Accepted and placed on file the Hall County Treasurer's Miscellaneous
9. 25 Accepted and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

OFFICE REPORT
NOVEMBER 2002

TITLE FEES STATE	\$14,008.75
TITLE FEES COUNTY	\$ 7,257.25
RECORDING FEES	\$ 65.00
MARRIAGE LICENSES	\$ 270.00
PHOTO FEES/FAX FEES & MISC.	\$ 17.95
PLAT BOOKS	70.00
CERTIFIED COPIES MARRIAGE LICENSES	<u>\$ 125.00</u>
TOTAL	\$21,813.95

OFFICE REPORT
HALL COUNTY JUVENILE SERVICES
NOVEMBER 2002

JUVENILE REFERRALS	27 JUVENILES
JUVENILE OFFENDERS	4 JUVENILE

JUVENILE HOUSE ARREST	1 JUVENILES
TOTAL UNDER SUPERVISION	191 JUVENILES
FEES COLLECTED	\$815.00

OFFICE REPORT
HOWARD COUNTY JUVENILE SERVICES
NOVEMBER 2002

JUVENILE REFERRALS	6 JUVENILES
TOTAL JUVENILE ENROLLEES	36 JUVENILES
FEES COLLECTED	400.00
TOTAL FEES COLLECTED FISCAL YEAR	\$ 1,100.00

OFFICE REPORT
REGISTER OF DEEDS
OCTOBER 2002

DOCUMENTARY STAMP FEES	\$ 4,859.96
RECORDING FEES	29,701.50
PHOTO FEES	798.80

OFFICE REPORT
COUNTY COURT
OCTOBER 2002

FINES (CO.)	\$38,393.26
OVERLOAD FINES	3,600.00
REIMBURSE SHERIFF FEES	1,093.39
WORK RELEASE FEES	916.00
REIMBURSE FAX COPIES	26.00
FINES (CITY)	6,742.36
REIMBURSE WITNESS FEES	508.03
BOND FORFEITURES	810.50
REIMBURSE CO. FEES	.00
TOTAL	\$ 52,089.54

OFFICE REPORT
CLERK OF THE DISTRICT COURT
OCTOBER 2002

FEES & INTEREST ON ACT #2-200-4	\$3,225.45
INTEREST EARNED ON ACT #114-0090191	1.06
INTEREST EARNED ON ACT #7-396-2	14.26

OFFICE REPORT
HALL COUNTY SHERIFF
OCTOBER 2002

FEES MILEAGE & MISC.	\$17,940.41
COPIES	\$ 75.00
TITLE INSPECTIONS	\$ 4,050.00

2 COUNTY ATTORNEY – DISCUSS AND TAKE ACTION ON AGREEMENT BETWEEN HALL COUNTY AND DTE RAIL SERVICES INC. – County Attorney Jerry Janulewicz stated that Gary Christian, John Fister President of DTE Rail and Gary Hedman with SPPD were present. Janulewicz stated that upon conveyance of the property to DTE certain conditions were incorporated into the agreement to insure the rail could be used by other landholders and the tracks could be crossed with public roads. The provisions that are in the deed are consistent with the resolution that was approved. Mr. Fister stated that this agreement satisfies all parties and he is looking forward to working with them and the economic development.

Gary Hedman stated that this has been a tremendous process and their concern was that rail service would be provided. DTE became a common carrier provider and this will be a big benefit to all parties.

Lancaster questioned if Jerry Janulewicz has received the e-mail from Mr. Ferman and if this could be addressed by the current agreement. Jerry stated that this agreement protects the landowners and if changes are necessary they could be addressed by negotiations and an addendum could be prepared.

The representatives from DTE stated that they are one of the original tenants and this compliments their business.

Hartman questioned that if DTE is requested to build additional track is this addressed in the agreement. DTE responded that this could be addressed and they would not have to change the agreement again.

Jeffries and Arnold expressed concern on receiving the contracts and not having enough time to review them. The County Attorney has reviewed this. Janulewicz stated that the intent of this agreement is to benefit the landowners and changes can be addressed in the future.

Arnold made a motion and Eriksen seconded to approve the agreement and authorize the chair to sign. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

9:30 4a SHERIFF WATSON – AWARD CEREMONY - Sheriff Watson stated that on December 4th there was a structure fire in Alda, Nebraska and Quinn Webb and Tanner Maly saved the life of April Ferichs. The home was 50% engulfed in flames and on the car video you could see how Deputy Webb crawled into the home to find her. Ms. Ferichs was in the basement on a cell phone. The fire had taken over the home and when she was found she was pulled through the basement window.

Sheriff Watson presented Webb and Maly with life saving awards and life saving badges for their uniform. Deputy Webb put his life on the line and he was awarded the Medal of Valor from Sheriff's Department. April Ferichs gave each of the deputies an award and thanked them.

4b DISCUSS & APPROVE PURCHASE OF VEHICLE - Sheriff Watson stated that at budget time the board approved \$20,000.00 to purchase vehicles. He is requesting to purchase one of the vehicles at this time. He has been looking at different vehicle, and in the past they have always used Crown Victoria but he would like to try the Dodge

Intrepid. They have come out with a vehicle that has a police car packet. This is a smaller vehicle, with four wheel drive and the gas mileage would be better. He would like to try one of these vehicles. The board asked if he uses GSA pricing and he stated that he would use this. Logan questioned if he had looked at leasing vehicles but Sheriff Watson stated that in the long run it would cost more.

Arnold made a motion and Humiston seconded to approve the purchase of the Dodge using the GSA pricing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

C DISCUSS & APPROVE AMENDMENT OT INTERLOCAL SCALES AGREEMENT – Sheriff Watson stated that he has received a request from Dawson County to join the interlocal SCALES. The SCALES board has discussed this and they have approved the membership. The only consideration that SCALES has requested is that Dawson County purchase their membership. The other members have signed this. Watson explained that this is a task force that pools resources for an investigative team for major crime scenes. They purchase equipment that is used by all of the agencies. Arnold stated that they have recently purchased video equipment that will be used to enhance video pictures. This interlocal agreement includes adjoining counties only. Logan made a motion and Eriksen seconded to approve the amendment to the interlocal SCALES agreement. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

b DISCUSS AND TAKE ACTION ON THE INFORMAL BIDS FOR WINDOW BLINDS FOR COUNTY ATTORNEY OFFICES - County Attorney Jerry Janulewicz stated that they need to place some blinds on the windows at the new office building. He has looked at wooden blinds because they would be more durable. He has informal bids on the same type of blinds from several vendors here in town and the low bid was from Diamond Vogel. Discussion was held and Janulewicz stated that if the board wants him to refer this to building and grounds and come back with a recommendation, he would do so. Logan made a motion and Arnold seconded to accept the low bid from Diamond Vogel. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

C DISCUSS AND TAKE ACTION WITH RESPECT TO RETAINING OUTSIDE COUNSEL FOR CHILD SUPPORT ENFORCEMENT ACTIONS FOR CONFLICT CASES - County Attorney Jerry Janulewicz provided the board member with a letter concerning conflict cases involving child support cases. He stated that in the past if there was a possible conflict of interest the state child support office in Hastings would handled them on an informal basis. But because of changes in the office staff in Hastings they have refused to do these cases. He has contacted Jim Truell and he has outlined a proposal of \$100.00 an hour to handle these conflict cases. Janulewicz stated that he would prefer that these cases would be handled outside of this office. Logan made a motion and Hartman seconded to approve the proposal for the outside counsel for conflict child support cases. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

d EXECUTIVE SESSION CONTRACT NEGOTIATIONS UFCW – Logan made a motion and Humiston seconded go into executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10:15 a.m. executive session

10:23 a.m. Arnold made a motion and Jeffries seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries and Lancaster all voted yes and none voted no with Logan absent for the vote. Motion carried.

e. DISCUSS AND TAKE ACTION ON PROPOSED COLLECTIVE BARGAINING AGREEMENT WITH UFCW - The negotiation committee has met with the UFCW for a new agreement. Through this two-year agreement it will follow the guideline of a 2% and no step increase for the first year and a 3% increase and steps for the next year. The corrections department steps occur at six, twelve and eighteen months so with this proposal any time worked between July 1, 2002 and June 30, 2003 no steps will be given. It also provides for random drug testing. The officer in charge pay would increase 20 cents per hour for the first year and 50 cents for the second year. The bilingual pay will be an additional 14 cents per hour for the first year and 30 cents per hour for the second year. There were also some changes on vacation and comp time scheduling. County Attorney Jerry Janulewicz recommends approving the contract. Arnold made a motion and Eriksen seconded to approve the UFCW contract. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

f. DISCUSS AND TAKE ACTION ON INTERLOCAL AGREEMENT FOR JUVENILE SERVICES CONTRACT FOR HOWARD COUNTY – County Attorney Jerry Janulewicz stated that Howard County Attorney contacted him concerning this agreement and they want to continue it. This was discussed during the budget process. Logan made a motion and Humiston seconded to authorize the county attorney to draw up the agreement. Janulewicz stated that the agreement has already been prepared. Logan amended his motion and Humiston seconded to approve the interlocal agreement as presented by Howard County and authorize the chair to sign. Jeffries questioned if this was working out financially. Monthly reports are provided, they pay a base amount and if there are additional participants, Hall County is paid more. Arnold stated that this was discussed at budget time. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation and no one responded.

10. DISCUSS AND APPROVE LETTER OF APPRECIATION FOR DALE LAMKE – Lancaster stated that Dale Lamke will be retiring and there will be a coffee for him in Omaha on Friday. She has prepared a letter and a certificate of appreciation for him if the board approves it. Lancaster read the certificate of appreciation. Jeffries made a motion and Eriksen seconded to approve sending the certificate and letter. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Discussion was held on the sale of the land at CAAP. The money for the sale is very specific and if the funding is not available the land cannot be sold. Jeffries questioned why the county could not include the fees in the sale of the land if it is difficult to secure the funds from the Army.

11 DISCUSS AND TAKE ACTION ON LETTER FROM RON JOHANSEN – Lancaster stated that she received this letter last night concerning the liquid manure that is splashed from cattle trucks. He stated that this is a health concern and it also could cause a traffic hazard.

Jeffries questioned if this area is in the city limits and if it is the city police should be able to address this. This is in the area that Bud represents. There is concern on how this would be addressed. Is it a littering problem? It would be difficult to enforce and if this area is in the city limits the city would need to be involved. Jeffries questioned if the sheriff could refer this to the city.

Arnold stated that this is not littering but there is specific statute that addresses the spilling of contents and when this happens it has to be witnessed. He suggested that the board send a formal letter to Swift and they could relay the information to their carriers stating that the county would appreciate their attention to this matter. He questioned if the health department could address the health concerns. It was suggested that a letter be sent to the other entities and send a copy of the letter to Mr. Johnansen.

Eriksen suggested referring this to the city because it involves the city streets and the county could coordinate our efforts with the city.

Arnold made a motion and Jeffries seconded to direct a letter to the other entities and ask them to forward this concern to the carriers. The city police, sheriff and state patrol will also be informed of this situation.

Hartman questioned if the fly ash should also be addressed. Lancaster stated that this item was not on the agenda and could not be addressed at this time.

The vote on the motion to send a letter was taken. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Logan all voted yes and Hartman voted no. Motion carried.

12 DISCUSS AND APPROVE AMENDMENT AND ADDENDUM TO NIRMA AND NIRMA II – Information was provided to the board member in the packets. Logan made a motion and Arnold seconded to approve the Resolution #02-0069 for the amendment and addendum to Nirma/Nirma II intergovernmental agreements. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS AND ACTION ON CLAIM AUDIT – The board reviewed the claims and discussion was held on claim #02120537. This claim was referred to the public works committee for clarification and will be addressed at the December 31 meeting. Logan made a motion and Jeffries seconded to approve all the claims as audited and to hold #02120537 for clarification. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

BOARD ASSISTANT'S REPORT – Board assistant Stacey Ruzicka included her progress report in the packets and reminded the board members of the chili supper at the Hall County Airport. Bill Stoval and asked them to attend. She reminded them of the Stuhr Museum meeting. Lancaster will have the corrections department interviews and the economic development meeting.

BOARD MEMBER'S REPORTS – Hartman he attended the retirement party for Sharon Meyer at the Hall County Housing Authority.

Humiston – no report

Eriksen – He attended the NACO convention, the CASA meeting, the safety meeting and the health board meeting. The request for funding for the health department is on the agenda for the city council tonight.

Logan – no report

Jeffries – He reported that driver's testing would be moving downstairs in the space previously occupied by the county attorney. The state will be running new cable for the computer system. The present area that they had occupied will be used by the County Treasurer to build an area to take pictures for the driver's licenses. The rest of the area will be used for storage. The building and grounds committee met and they have discussed removing some interior walls to accommodate the new uses for the rooms. He also reported that the parks committee met with Olsen and Associates and the City of Grand Island on the drainage of the industrial area across the road from the park. They discussed several options for the drainage of this area, but this may not be needed for some time.

Arnold – He attended the corrections negotiations meeting that resulted in the contract that the board signed today. He also attended the NACO convention. He attended a meeting with a group that is looking at starting an involuntary detox center in Grand Island. If this would be built it would provide another place to place people when they are intoxicated and this could help the jail population. Law enforcement could use this center to place an individual if he is a danger to himself.

Lancaster – She attended the corrections negotiations meeting, the NACO convention and assisted with setting up the meeting for this afternoon.

Meeting recessed until 1:00 p.m.

Returned to session at 1:00 p.m.

Chairman Lancaster called the meeting to order with all members present.

17 DISCUSSION AND ACTION WITH RESPECT TO FINANCING A COUNTY JAIL BUILDING PROJECT – County Attorney Jerry Janulewicz introduced Curtis Christensen and Charles Bunger with Kutak Rock LLP. They are here to review the financing options and the private operation of a jail facility for Hall County. They will present the pros and cons of the options and they need to know what type of request for proposal that the county board wants them to prepare.

They stated that there are three options –

1. a. the traditional facility that the county builds, operates and finances with a general obligation bond. This bond is approved by a vote of the people.
- b. The lease purchase process where the bonds are sold and the proceeds are used to build a facility. This is a little more flexible but the bad part is that it falls under the lid law and this would be run by the corrections department.

2. The lease purchase could have the operations farmed out to a private operator but by Nebraska law discipline and jail standards must be done by government and there would still be significant county supervision of the inmates.

3. A combination of 2 and 3 would have another party build and secure the financing and have a private operator. The private operator could possibly run it more efficiently than the county could and make a profit. The county would form a non-profit corporation and turn it over to the corporation and sell the bonds. The county would enter into an agreement with the private operator. The county is tax exempt and could sell the bonds at a lower rate but there are restrictions according to the tax laws.

Discussion was held on the bonds and how they are financed and sold.

On the design build option there is a guaranteed cost but the disadvantage is that the architect has control on the construction. This could eliminate the smaller contractors but there would also need to be manager to over see construction.

On options one and two the county owns the facility, but under option three the building is not owned by the county the building is leased and the county owns the land. At the end of the lease the county could lease it out again.

Jeffries expressed concern on jail standards and what would happen if new standards were mandated. They stated that the agreement would have to address future requirements and the per diem rate could be adjusted.

Logan expressed concern on legal liability, but the county would still be responsible.

Mr. Bunger and Mr. Christensen distributed information to the board members on the tax exempt financing. They reviewed and explained the different options. They stated that the county would form a non-profit corporation and the corporation leases the ground. The county would need to make sure that the site is clean and prepared for construction. The corporation is the owner of the project and they would design and build and there would be a construction manager to oversee the construction.

Discussion was held on the management of the jail if there is a private operator but they stated that it is not clear how private management would work in the State of Nebraska, the management may need to be retained by government.

They reviewed the flow of funds that are paid by the county or the stated for housing inmates and the operation expenses. If there were any additional funds they would go back to the county.

Mr. Bunger and Mr. Christensen asked if the county wants a private operator or private construction and operate? Lancaster stated that if the county builds a larger facility they would need a private operator to market. But they need to leave options open for future boards.

Logan questioned if on option three the county has control on the size. They stated that they county can build a minimum number of beds and add additional beds and market them.

Arnold - The county could use different styles and they would need to set minimum standards then the private operator could set the rest. The county would need to determine the operating protocol and watch it in the future.

The operator and design builder will need to work together to determine the style. Hartman questioned if the county is still liable and the county pays the bills what happens if the operator leaves. Mr. Bunger and Mr. Christensen stated that the company is bonded and these things would need to be built into the agreement.

Discussion was held on the three options and the fact that general obligation bonds would be cheaper but in option three the corporation is the issuer of the bonds and a private company could be more efficient and make a profit. The county needs a jail and the cost of construction will be the same no matter how it is financed.

County Attorney Jerry Janulewicz stated that private operation of jail has a lot of controversy and Ken and Curt do not want to recommend one way or the other, they are just giving the information and addressing the financing options.

Eriksen stated that the county needs a jail build for our needs and for several years down the road and we need to do it at the least cost, financing is only one aspect. The traditional route may be the cheapest but may not be the cheapest for the county, if there is the potential to have other people help pay. He would like to see an RFP that will address both options.

Logan stated he would like to see a minimum and a maximum, this is also recommended in option three.

Hartman stated that the county needs to build a jail for 150 inmates and allow space for up to 300 inmates. They could also address how the changes could be made in the future.

Arnold stated that they need certain criteria in order to proceed, they need to know if the board wants to address the private operation option. How it is financed does not need to be decided now.

Arnold made a motion and Eriksen seconded to proceed with a request for proposal for a 350 to 500 bed jail with the private management of the facility.

Eriksen stated that he would like to go with the idea that they could have the opportunity to go beyond the 500-bed structure.

County Attorney Jerry Janulewicz questioned if it is the intent of the county board to use the county owned site for the facility or to have the respondents provide a site. The firm from Kansas City questioned if the county's location is the optimal site for the jail. They recommended to avoid industrial areas and areas next to a railroad tracts.

Logan stated that when the county purchased the property Durant was informed of the location and they did not have a problem with it. He would like to limit the construction of the facility to the county owned property.

Hartman stated that rail and manufacturing are heavy at the other site too. He questioned if the private company that is operating the jail bails out would the county be responsible. The companies are bonded so the county would be protected.

Eriksen stated that the county bought the site for the jail and the board needs let the bidders know that it is available but he doesn't want to restrict them to this site, maybe there is a better location.

Arnold amended his motion and Eriksen seconded to include the county site but to not limit it to this location.

Lancaster questioned if there was language in the RFP for future needs. Janulewicz stated that he did not recall that there was.

Discussion was held on the financing; this can be discussed later.

Jeffries stated that when the proposals are received the county board could accept or reject them all. One thing he would like to see happen would be that when the construction is started that the local contractors can be involved in bidding on portions of the construction.

Logan and Hartman expressed concern that all of the information is not disclosed and now the people will not be able to vote on the financing. If this is true it is a disservice to the board.

Humiston stated that with the RFP, this would be a good business opportunity.

The vote on the motion to proceed with building a 350 to 500 bed jail facility and request private operation was taken. Arnold, Eriksen, Hartman, Humiston, Jeffries and Lancaster all voted yes and Logan voted no. Motion carried.

Meeting adjourned at 2:55 p.m. The next meeting will be December 31, 2002 at 9:00 a.m.

Marla J. Conley, Hall County Clerk

REMINDER – The County Board meetings may be viewed on GITV Cable Channel 6 and UHF Channel 56 Wednesday at 8:00 p.m. and Friday at 8:00 a.m.